

# The Family Court of the State of Delaware



FELICE GLENNON KERR  
JUDGE

NEW CASTLE COUNTY COURTHOUSE  
500 N. KING STREET, SUITE 9400  
WILMINGTON, DELAWARE 19801-3732

May 8, 2020

Mary Ann Planktinton, Esquire  
3711 Kennett Pike  
Wilmington, DE 19807

## LETTER DECISION AND ORDER

Marie Crossley, Esquire  
5721 Kennett Pike  
Centreville, DE 19807

**Re: K. P. v. M. P.**  
**File No.: CN19-05337; Petition No.: 19-29188**  
**RE: Ancillary Matters – Motion for Interim Alimony**

Dear Counsel:

On March 26, 2020, K. P. (“Wife”) filed a Motion for Interim Alimony through her counsel, Ms. Planktinton. On April 15, 2020, M. P. (“Husband”), through his counsel, Ms. Crossley, filed a Response to the Motion.

This is the Court’s decision on Interim Alimony. The parties must both bear in mind that this is only an Interim Order pending a final hearing on alimony and as such can be modified retroactively if the Court determines that the interim amount is either excessive or insufficient. There are numerous issues raised in the Motion and Response, including, but not limited to, Wife’s income, Husband’s income, and the reasonable expenses of the parties. Either party may, after receipt of this Order, request a hearing on interim alimony pursuant to Eberly<sup>1</sup>. However, given the heavy burden of cases, a hearing on this Motion would not likely be scheduled for a number of months, and possibly not before the Ancillary Hearing, and should the party requesting the hearing fare worse at the hearing than in this Order, he or she may bear the costs of the other party’s fees for having to prepare for and attend the Eberly hearing.

### BACKGROUND

The parties were married on February 13, 1987, and divorced by final decree of this Court on December 3, 2019. Wife filed for divorce and requested ancillary relief including alimony. The parties have no minor children.

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<sup>1</sup> Eberly v. Eberly, Del., 498 A.2d 433 (1985)

### WIFE'S INCOME AND EXPENSES

According to the Motions and attachments, Wife is currently employed as a paraprofessional through the C. School District. During the May 1, 2020, teleconference, Ms. Planktinton indicated that Wife was still receiving her normal salary during the Covid-19 restrictions. Wife's gross salary from being a paraprofessional is \$31,801.38. In his response, Husband alleged that Wife receives monthly disbursements from her inheritance totaling \$10,000 annually. Ms. Planktinton agreed that Wife was receiving mandatory disbursements from her mother's IRA account, totaling about \$10,000 a year. Based on this acknowledgement, the Court shall add the \$10,000 annual disbursement income to Wife's total income. On an interim basis, the Court did not consider Wife's extensive personal inheritance wealth of \$434,000 as this appears to be the same funds, which make up the \$10,000.00 per year distribution and the funds are therefore considered already in determining Wife's income. After a full hearing, the Court would consider other arguments regarding Wife's personal inheritance.

Wife alleges expenses in the amount of approximately \$4,231.00 per month. The Court has adjusted Wife's expenses to more reasonable amounts. The Court removed or reduced expenses such as a storage unit, vacations expenses, entertainment expenses, presents, and hairdresser costs. The Court also removed charitable donations as Husband should not be paying Wife to give money away. On an interim basis, the Court has allowed Wife to claim a mortgage with the expectation that she would be buying a home soon but removed the storage under the same premise. Wife's total reasonable monthly expenses are \$3,036.00.

If Wife's total monthly expenses for interim purposes are \$3,036.00, she would need alimony in the amount of \$114.00 per month to pay these expenses. (See attached budget report).

### HUSBAND'S INCOME AND EXPENSES

Husband is employed by C. P. S. as an Electrical Engineer with an annual income of \$85,866.15 in 2019. Husband does not dispute his current income, however, Husband indicated in his response that he intends to retire in late May of 2020. As Husband did not provide the Court with any alternative income amounts or sources once he retires, the Court will use \$85,866.15 as his income for the purposes of interim alimony. Husband lists expenses of \$3,276.00 per month which leaves him an excess of \$2,001.00 after taxes and expenses. The Court can consider other arguments regarding Husband's income at the final hearing.

### ALIMONY ANALYSIS

Wife requires the sum of \$114.00 in alimony. Husband would have an excess of \$2001.00 per month before paying alimony. This would leave Husband with enough income to pay Wife an extremely small sum in alimony.

**ORDER**

**IT IS HEREBY ORDERED as follows:**

1. The Motion for Interim Alimony is **GRANTED** in the amount of **\$114.00 per month** effective May 1, 2020. Husband shall make the first payment of \$114.00 prior to May 31, 2020. All future payments shall be due on the first of each month.

**IT IS SO ORDERED.**

Very truly yours,

FELICE GLENNON KERR, Judge

FGK/jw

Date emailed:\_\_\_\_\_

Date mailed:\_\_\_\_\_